
CHAPTER 17 - ZONING ORDINANCE

ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED REGARDING ZONING OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED.

Section 17.01 Introduction

- (1) **Authority.** Whereas the Town Board of Union, Wisconsin, has proceeded under the provisions of Section 60.61 and 60.62 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.61 and 60.62 and 60.65 of the Wisconsin Statutes. Therefore, the Town Board of Union, Wisconsin, does ordain as follows:
- (2) **Purpose.** The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (3) **Intent.** It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources, preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (4) **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, and agreements, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (5) **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (6) **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- (7) **Repeal.** All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed, including without limitation certain zoning ordinances dated Nov. 30, 1965 and May 7, 1979 and their amendments and certain District Map dated Nov. 30, 1965 and Development Map dated May 7, 1979 and its amendments. This Ordinance shall now refer to the Town of Union Comprehensive Plan and the Town of Union Official Zoning map dated October 5, 2005.
- (8) **Title.** This Ordinance shall be known as, referred to, or cited as the "Town of Union Zoning Ordinance."

Section 17.02 GENERAL PROVISIONS

- (1) **Jurisdiction.** The jurisdiction of this Ordinance shall include all lands and waters in the Town of Union, Rock County, Wisconsin and be under the zoning jurisdiction of the Town of Union Board and Plan Commission.

- (2) **Compliance.** No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Building Inspector shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Building Inspector may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Building Inspector is refused entry, he may apply for, obtain and execute a special inspection warrant for said premises pursuant to §66.0119, Wis. Stats. The Building Inspector may set time-limits and conditions for the correction of violations.
- (3) **Use Restrictions.** The following use restrictions and regulations shall apply:
- A. Permitted Uses. Only those principal uses specified, their essential services and uses listed in Section 17.05 (below) shall be permitted in each district.
 - B. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless it is an allowed conditional use and permission (conditional use permit) is granted by the Plan Commission .
 - C. A1, A2, and A3 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and issuance of a conditional use permit in accordance with Section 17.18 of this Ordinance. Zoning Conditional Uses excluding A1, A2, and A3 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Town Board and issuance of a conditional use permit in accordance with Section 17.18 of this Ordinance.
 - D. Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission.
 - E. Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
 - F. Soil Restrictions. Certain soil types in the Township, as shown on the operational soil survey maps prepared by the USDA-Natural Resources Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the USDA-Natural Resources Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service by either the township or the applicant.
- (4) **Penalties**
- Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
- (5) **Violations**
- It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, the Town Plan Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.
- (6) **Civil Enforcement**
- Appropriate actions and proceedings may be taken by Law or in equity to prevent any violation of

these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above.

Section 17.03 ADMINISTRATION

(1) Town of Union Plan Commission

The Town Board, Plan Commission and Building Inspector shall have the role of enforcing this ordinance. The Plan Commission shall have the following powers:

- A. To review and approve, conditionally approve or deny requests for conditional use permits. No Board Action is required.
- B. To review and approve, conditionally approve or deny requests for A1, A2 & A3 Conditional Uses Permit Land Divisions. No Board Action is required.
- C. To review and approve, conditionally approve or deny requests for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
- D. To review and recommend to the Town Board the approval, conditional approval or denial of land division preliminary CSMs and final CSMs and preliminary and final Subdivision Plats. Conditions of approval may be attached to preliminary or final approval.
- E. To review and recommend to the Town Board the approval, conditional approval or denial of applications for zoning changes
- F. To review and approve, conditionally approve, or deny all other types of Conditional Use Permit requests and renewals. No Town Board action is required.

(2) The Building Inspector shall be responsible for reviewing and enforcing the zoning code within the Town of Union.

There is herewith created the office of Building Inspector, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Building Inspector shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His compensation shall be determined by the Town Board.

The Building Inspector shall make a monthly report of his activities to the Town Board.

The Building Inspector shall:

- A. Assist the applicant in preparing Applications for driveway permits, building permits, land division, conditional use permits, zoning changes, and variances.
- B. Advise the applicant as to the provisions of the Town Zoning and Land Division Ordinance
- C. Prepare building permits and driveway permit.
- D. Inspect each project for which a building permit and driveway permit has been applied for or granted; report violations; and provide this information to the Plan Commission and/or Town Board.
- E. The Building Inspector may issue building permits which are within strict compliance with the requirements of this ordinance. Whenever there is a question other than the literal requirements of this ordinance, it is to be brought directly to the Plan Commission Chairman.

Section 17.04 DEFINITIONS

(1) Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used

- herein shall be used, interpreted, and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(2) Words and Terms Defined

- **Accessory Building** Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
- **Accessory Structure** A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds).
- **Airport Not Open to the Public** Any airport on privately owned land used solely by the property owner.
- **Airport Open to the Public** Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.
- **Alley** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.
- **Animal Unit** One animal unit shall be defined as being the equivalent of the following: one 1,000 lb. steer; one beef or dairy cow or bull; four swine; ten sheep; 100 laying hens; 100 broilers; 50 ducks or turkeys, or other poultry; one horse or pony.
- **Applicant** The owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.
- **Arterial Roads & Highways** Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterials.
- **Automotive Vehicle** A vehicle that is self propelled except a snowmobile unless specifically referred to as a motor vehicle herein.
- **Basement** A story partly underground.
- **Boarding House** A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.
- **Bond** Any form of security including cash deposit, surety bond, collateral, property, or Instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Plan Commission wherever a bond is required by these regulations.
- **Building** Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.

- **Building Area** Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.
- **Building Height** The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.
- **Collector Roads & Highways** Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and form a generally continuous pattern when combined with the arterial system.
- **Committee** The Plan Commission.
- **Common Area** An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.
- **Common Sewerage** A legal sewage system that serves two or more dwellings units.
- **Community** A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.
- **Community Living Arrangement** Means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under §48.60, group foster homes for children under §48.02(7) and community-based residential facilities under §50.01 of Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.
- **Conditional Use** A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood, of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subjected to the fulfillment of conditions which effectively insure that no such problems will be created.
- **Dependent Mobile Home** A mobile home which does not have complete bathroom facilities. Density. The number of living units per acre allowable under a schedule of district regulations.
- **Developer** The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.
- **Development Guide** The Town's Development Plan (segment of the County Development Plan) (SS. 59.97) or the incorporated municipality's Master Plan (SS.62.23).
- **Drive-in Establishment** A place of business in which patrons can be served while remaining in their automobiles.
- **Driveway** A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.
- **Dwelling, Single-Family** A detached building designed for, or occupied exclusively by, one family or household.
- **Dwelling, Two-Family** A detached or semi-detached building designed for, or occupied exclusively by, two families or households.

- **Dwelling, Multiple-Family** A building or portion thereof designed for, or occupied by, three or more families or households.
- **Earthwork** The moving of more than 2 cubic yards of any type of soils.
- **Easement** Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.
- **Emergency Shelter** Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.
- **Essential Services** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.
- **Expressway** A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.
- **Family** A group of persons related by blood or marriage and living together as a single housekeeping entity.
- **Flood Plain** The land adjacent to a body of water which is subject to periodic overflow therefrom.
- **Floodway** The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.
- **Floor Area** The area within the exterior walls of a building which is usable as living quarters.
- **Freeway** An expressway with full control of access and with fully grade separated intersections.
- **Frontage** The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- **Garage, Private** Any accessory building or space for the storage only of not more than three (3) motor vehicles per dwelling unit.
- **Garage, Public** Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.
- **Garage, Storage** Any building or premises used for storage only of motor vehicles.
- **High Density** Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.
- **Home Occupation** A gainful occupation conducted by members of a family only, within

their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)

- **Hotel** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- **Household Pet** Tame animals which have been traditionally kept in the home to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.
- **Household Unit** The body of persons who live together in one dwelling unit as a single housekeeping unit.
- **Intensive Soils Survey** The testing of soil at a particular geographic location as to its individual assets and limitations.
- **Interchange** A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.
- **Large Farm Animal** Any horse, head of cattle, pony, sheep, goat, or hog.
- **License** A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations Issued hereunder.
- **Loading Area** A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- **Local Roads & Highways** Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector, and Arterial systems. Through traffic movement on locals is generally discouraged.
- **Lodging House** A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.
- **Lot** A parcel of land described in a recorded plat or deed.
- **Lot Area** The total area reserved for exclusive use of the owners of a particular piece of real property.
- **Lot, Corner** A lot abutting on two or more streets at their intersection.
- **Lot Lines and Area** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- **Lot Depth** The mean horizontal distance between the front and rear lot lines.

- **Lot Width** The width of a parcel of land measured at the rear of the specified street yard.
- **Low Density** Those residential zoning districts in which the density is between 12,000 and 40,000 square feet per dwelling unit.
- **Manufactured-Home (HUD)** Single-family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and includes structures known as manufactured homes or mobile homes. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame; and includes any additions, attachments, annexes, foundations and appurtenances. A manufactured home (HUD) does not comply with the State One and Two-Family Dwelling Code (Subchapter II of Chapter 101, Wisconsin Statutes) or with the Manufactured Building Code (Subchapter III of Chapter 101, Wisconsin Statutes.)
- **Manufactured Building (UDC)** A manufactured building is also known as a manufactured home UDC. Any structure or component thereof which is intended for use as a dwelling and; (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation construction, or assembly and installation, at the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer. A manufactured building does not mean any manufactured home (HUD) or mobile home. A manufactured building is a dwelling unit that complies with Subchapter III of Chapter 101, Wisconsin Statutes, and shall have been inspected and certified by Department of Commerce, Safety and Buildings Division as complying with Subchapter III and shall display the compliance insignia issued by the Department of Commerce, Safety & Buildings Division.
- **Master Plan** A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
- **Medium Density** Those residential zoning districts in which the density is between 8,500 and 12,000 square feet per dwelling unit.
- **Minor Structure** Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.
- **Mobile Home** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Equipped and used primarily for sleeping, eating and living quarters, or is intended to be used and includes any additions, attachments, annexes, foundations and appurtenances. See §66.058 Wis. Stats.
- **Mobile Home Lot** A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

- **Mobile Home Park** A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities' except that a mobile home subdivision shall not be deemed a mobile home park.
- **Mobile Home Stand** That part of an individual lot which has been reserved for the placement of one mobile home unit.
- **Mobile Home Subdivision** A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.
- **Motel** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- **Non-conforming Structure** A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendment thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.
- **Non-conforming Use** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.
- **Nondependent Mobile Home** A mobile home which has complete bathroom facilities.
- **Ordinance** Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
- **Owner** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.
- **Park Management** The person who owns or has charge, care or control of mobile home park or travel trailer park.
- **Park Street** A private way which affords principal means of access to individual mobile home lots, travel trailer spaces, or auxiliary buildings.
- **Permit** A written building permit or certification issued by the Plan Commission permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.
- **Permitted Use** Uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.
- **Person** Any individual, firm, trust, partnership, public or private association or corporation.
- **Principal Building** The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.
- **Rooming House** A building other than a hotel where lodging only is provided for compensation from three or more persons not members of the owner's family.

- **Service Building** A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this ordinance.
- **Setback** The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- **Sign** A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.
- **Standards** The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this ordinance.
- **Standard Soils Survey** A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.
- **Storage** A space for storing personal and non-business property or goods. Vehicles being stored are not permitted to be used daily.
- **Story** That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.
- **Story, Half** The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- **Street** All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.
- **Street Right-Of-Way Line** The dividing line between a lot, tract or parcel of land and an abutting street.
- **Structure** Anything constructed or erected having location on the ground.
- **Structural Alteration** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.
- **Subdivision** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.
- **Subdivision, Major** All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.
- **Subdivision, Minor** Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master

plan, development plan, official map, zoning ordinance, or these regulations.

- **Taper** Point at which the access road to or from a highway interchange meets another intersecting road.
- **Temporary Structure** A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- **Tenant Storage Area** An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.
- **Tourist Camp or Court** A tract of land of at least one acre upon which two or more camp cottages are located or where temporary accommodations are provided for two or more trailers or house cars, open to the public either free or for a fee.
- **Trailer Space** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- **Travel Trailer** A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet; (b) a unit designed to be mounted on a truck-chassis (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.
- **Travel Trailer Park** A parcel of land in which two or more spaces are occupied, or intended for occupancy (not over 7 days), by travel trailers for transient dwelling purposes.
- **Turning Lanes** An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.
- **Use (Land Use)** That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance.
- **Variance** Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use, which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements. (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.
- **Vision Clearance Triangle** An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.
- **Waterline** The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 per cent of the length of such water line shall be

on, or on the landward side of, the normal high water mark of such stream.

- **Yard** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- **Yard, Front** A yard extending the full width of the lot between the front lot line and the nearest part of the principal buildings excluding uncovered steps.
- **Yard, Rear** A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.
- **Yard, Side** A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.

Section 17.05 ZONING DISTRICTS

(1) Establishment

For the purpose of this ordinance the Town of Union is hereby divided into the following Zoning Districts:

- Agricultural District (A-1)
- Agricultural District (A-2)
- Agricultural District (A-3)
- *Exclusive Agricultural District (A-Ex) {Future}*
- Local Business District (B-1)
- Commercial Highway Interchange District (CHI)
- Lowland Conservancy District (C-1)
- Highland Conservation District (C-2)
- Rural Residential District (R-R)
- Planned Unit Development District (PUD)
- Mobile Home Park District (MHP)
- Special Purpose District (SP)
- Light Industrial District (M-1)

(2) Zoning Map and District Boundaries

The boundaries of such districts are hereby established as shown as the underlay on a map entitled "Official Zoning Map, Town of Union, Wisconsin", as adopted on October 5, 2006 with this ordinance and as amended thereafter by the Rock County Department of Planning and Development. Such map accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; soil mapping Unit lines; topographic lines; center lines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

(3) General District Regulations

The following regulations set forth requirements that usually do not apply universally throughout the town, but rather cover things that are applicable to one or more districts.

- A. **Erection of More than One Principal Structure on a Lot.** In any district no more than one permitted or conditional use structure may be erected on a single lot except in the B-1, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot. Mobile homes (manufactured homes) only when in a mobile home park.

- B. **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- C. **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. All driveways must be in compliance with the Town of Union Driveway Ordinance.
- D. **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type which are unlicensed and/or inoperable shall not be parked or stored on any property other than in completely enclosed buildings.
- E. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing as of May 16, 1979 (the original effective date of this Ordinance) within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Plan Commission and shall not require a special exception or variance.
- F. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- G. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as of May 16, 1979 (the original effective date of this Ordinance), such lot may be occupied by one (1) family.
- H. Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- I. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.
- J. No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- K. Community living arrangements shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 or one percent (1%) of the town's population, whichever is greater.
- L. No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Plan Commission and if both comprise essential components of a single program.
- M. Mobile homes and manufactured homes (HUD code) are only allowed in the Mobile Home Park District MHP or by conditional use as permitted under the corresponding land zoning district.

Section 17.06 Agricultural District One (A-1)

(1) Purpose and Intent of Agricultural District One (A-1)

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Guide. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district. Development and land divisions are strongly discouraged in order to protect the community's agricultural base and farming efficiency. The district is delineated by prime agricultural soils defined in this ordinance as follows: AzA, B1A, B1B, Br, CaB2, Co, Da, DrA, DrB, DrC2, DuA, DuB2, DuC2, EdB2, E1A, EmA, EoA, EvB, EvC2, F1A, F1B, GrA, GrB2, GrC2, Ho, HeA, JaA, JaB, JuA, KaA, KdB, KdC2, KeA, KeB2, KeC2, LkA, LoA, LoB, Ma, Mb, Md, Mf, Na, OgA, OgB, OoA, OoB, OoC2, Ot, Pa, PeA, PeB2, PeC2, P1A, P1B, P1C2, RnB2, RnC2, RpB, RpC2, RtB2, RtC2, SaA, SaB, SaC2, SbC2, Se, PMA, PmB, PnA, PnB, Ha, SkA, SkB, SkC2, SbA, SbB, SbC2, TrA, WaA, WaB, WaC2, WcA, WfA, WfB2, WfC2, WeA, WeB, WkC2, W1A, W1B2, W1C2, WhB2, WhC2, WnA, WnB2, WnC2, WoA, ZuA, ZuB, and ZuC2.

(2) Permitted Uses.

- A. The following uses are permitted in this district: General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- B. Forestry, grazing, hatcheries, nurseries, greenhouses, orchards, paddocks, stables, truck farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 64 square feet each advertising such sale.
- C. One residential dwelling unit for resident owner or resident worker who is engaged in the principle permitted use.
- D. Items for biodiesel, arterial collector lines and railways, agriculture technologies

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Churches, veterinary hospitals, community parks and recreational areas.
- B. Water storage facilities, gas and electric utility uses not requiring authorization under § 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence.
- C. Farm dwellings and related farm residences or structures which existed prior to adoption of this ordinance may be separated from a larger farm parcel, provided that the parcel created conforms with all regulations set forth in the rural residential district if less than three (3)

acres, or the regulations set forth in the A-3 district if over three (3) acres, provided the parcel does not exceed five (5) acres. The remaining land to conform to the requirements of the district and cannot be further developed unless it complies with the Union Township Development Plan. (This item referred to as Section 4.4 Agricultural District One (A-1) (3) Conditional Use (C) in previous Zoning Ordinance Adopted May 4, 1995 Effective May 5, 1995.)

- D. Fur farms, kennels, insect-breeding facilities, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Riding stables, riding schools, and shooting preserves.
- F. One additional dwelling on any operating farm where one occupant is fully employed on the farm.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- J. Telephone, telegraph and electric transmission lines, buildings or structures.
- K. Agriculture related airport or air strip not open to the public which is accessory to the farm use.
- L. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- M. Aqua-cultures facilities.
- N. Concentrated animal feeding operations (CAFO) based on the Ag Siting Law.
- O. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by Department of Agriculture, Trade and Consumer Protection rules. May have one lighted sign, no more than 24 square feet, lit only during business hours.

(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply

- A. Minimum Lot Size 35 acres
- B. Maximum Building Height 35 ft. Residential Structures
No maximum on other structures
- C. Minimum Front Yard Setback:
From Centerline of Local Roads 100 ft.
From Centerline of Collector Roads 110 ft.

From Centerline of Arterials 150 ft.
Refer to Section 17.22 for road classifications, and other requirements.

D. Minimum Rear Yard Setback 50 ft.

E. Minimum Side Yard:

Principal Buildings 20 ft. on-each side

Accessory Buildings 10 ft. on each side

F. Minimum Lot Width at Building Line 100 ft.

Section 17.07 AGRICULTURAL DISTRICT TWO (A-2)

(1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Comprehensive Plan. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. The A-2 District is delineated by agricultural soils defined as follows: AzA, B1A, B1B, Br, CaB2, Co, Da, DrA, DrB, DrC2, DuA, DuB2, DuC2, EdB2, E1A, EmA, EoA, EvB, EvC2, F1A, F1B, GrA, GrB2, GrC2, Ho, HeA, JaA, JaB, JuA, KaA, KdB, KdC2, KeA, KeB2, KeC2, LkA, LoA, LoB, Ma, Mb, Md, Mf, Na, OgA, OgB, OoA, OoB, OoC2, Ot, Pa, PeA, PeB2, PeC2, P1A, P1B, P1C2, RnB2, RnC2, RpB, RpC2, RtB2, RtC2, SaA, SaB, SaC2, SbC2, Se, PmA, PMB, PnA, PnB, Ha, SkA, SkB, SkC2, SbA, SbB, SbC2, TrA, WaA, WaB, WaC2, WcA, WfA, WfB2, Wf, C2, WeA, WeB, WkC2, W1A, W1B2, W1C2, WhB2, WhC2, WnA, WnB2, WnC2, WoA, ZuA, ZuB, and ZuC2.

(2) Permitted Uses

The following uses are permitted in this district:

- A. General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- B. Forestry, grazing, hatcheries, nurseries, greenhouses, orchards, paddocks, stables, track farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 64 square feet each advertising such sale
- C. One residential dwelling unit for resident owner or resident worker who is engaged in the principle permitted use.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Churches, veterinary hospitals, community parks and recreational areas.
- B. Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.
- C. Farm dwellings and related farm residences or structures which existed prior to adoption of this ordinance may be separated from a larger farm parcel, provided that the parcel created conforms with all regulations set forth in the rural residential district if less than three (3) acres, or the regulations set forth in the A-3 district if over three (3) acres, provided the parcel does not exceed five (5) acres. The remaining land to conform to the requirements of the district and cannot be further developed unless it complies with the Union Township Development Plan.
- D. Fur farms, kennels, insect-breeding facilities, holding pens, confinement operations, and other

agricultural uses that may cause odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.

- E. Riding stables, riding schools, and shooting preserves.
- F. One additional dwelling on any operating farm where one occupant is fully employed on the farm.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- J. Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- K. Telephone, telegraph and electric transmission lines, buildings or structures.
- L. Sale of agricultural products not produced on premises.
- M. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- N. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by Department of Agriculture, Trade and Consumer Protection rules. May have one lighted sign, no more than 24 square feet, lit only during business hours.

(4) Requirements for Permitted and Conditional Uses

- A. Minimum Lot Size 10 acres
- B. Maximum Lot Size less than 35 acres
- C. Maximum Building Height 35 ft. Residential structures
No maximum on other structures
- D. Minimum Front Yard Setback:
 - From Centerline of Local Roads 100 ft.
 - From Centerline of Collector Roads 110 ft.
 - From Centerline of Arterials 150 ft.
 - Refer to Section 17.22 for road classifications, and other requirements.
- E. Minimum Rear Yard Setback 50 ft.
- F. Minimum Side Yard:
 - Principal Buildings 20 ft. on each side
 - Accessory Buildings 10 ft. on each side
- G. Minimum Lot Width at Building Line 100 ft.

Section 17.08 AGRICULTURAL DISTRICT THREE A-3

(1) Purpose and Intent of Agricultural District Three (A-3).

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which are not prime agricultural soils as listed in the A-1 District. The following soils have been found to have severe limitations for on-site soil absorption sewage disposal systems and no residential development shall take place thereon unless an intensive soils survey indicates that a system would be permitted under the Rock County Sanitary Code.

Ad, Aw, AzA, BmA, Br, CaD2, CaE, Co, Da, DrD2, EdB2, EdC2, EdD2, EdE, E1A, EmA, EoA, EvD, EvE, GoD, GpB2, GpC2, GrD2, Ha, Ho, JuA, KaK, KdD, KeD2, KeE, LkA, LoD, Ma, Mb, Mc, Md, Me, Mf, Na, OoD2, Ot, Pa, Ro, RpB, RpC2, RpD2, RrE, RrF, Rs, RtD, RuE, RuF, SaD, SbC2, SoB, SoC2, SoD, SoF, TrA, Wb, WcA, W1A, W1C2, W1D2, WhB2, WhC2, WhC2, and WoA

(2) Permitted Uses

The following uses are permitted in this district:

- A. One single family dwelling per lot.
- B. General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- C. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
- D. Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, or fur bearing animals, including rabbits, except as otherwise herein provided.
- E. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- F. Public parks, playgrounds, recreational and community center buildings and grounds.
- G. Graded schools, churches and their affiliated uses.
- H. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- I. Water storage facilities and their accessory structures.
- J. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.
- K. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively

insure that no such problems will be created.

- A. Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- B. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- C. Institutions of a charitable nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- D. Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- F. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by Department of Agriculture, Trade and Consumer Protection rules. May have one lighted sign, no more than 24 square feet, lit only during business hours.

(4) Requirements for Permitted and Conditional Uses

- A. Maximum Building Height 35 ft. Residential structures
No maximum on other structures
- B. Minimum Side Yard:
 - Principal Buildings 20 ft. on-each side
 - Accessory Buildings 10 ft. on each side
- C. Minimum Front Yard Setback:
 - From Centerline of Local Roads 100 ft.
 - From Centerline of Collector Roads 110 ft.
 - From Centerline of Arterials 150 ft.
- D. Minimum Rear Yard Setback 50 ft.
- E. Minimum Lot Area 3 acres
- F. Maximum Lot Size less than 10 acres
- G. Animals per Acre One (1) animal unit per acre.
Additional animals per acre will require a Conditional Use Permit.
- H. Minimum Lot Width at Building Line 100 ft.

Section 17.09 LOCAL BUSINESS DISTRICT (B-1)

(1) Purpose and Intent of Local Business District B-1

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Guide. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

- A. Stores and shops in which items are sold directly to the public to include: grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; gas stations; parking areas and the similar retail establishments normally found in neighborhood shopping centers.
- B. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- C. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- D. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- E. Auto and farm implement dealers, sales and repair; small engine sales and repair.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- B. Fraternal lodges and buildings, nursing and retirement homes, nursery and day care centers, restaurants, and taverns.
- C. All public utility facilities, sewage treatment facilities.
- D. Animal hospitals and clinics, excluding open kennels and exercise yards.
- E. Flea markets
- F. Maximum building floor area of 20,000 square feet.

(4) Requirements for Permitted and Conditional Uses

- A. Maximum Building Height 35 ft.
- B. Minimum Frontage on Public Road 50 ft.
- C. Maximum Floor Area 15,000 sq.ft.
- D. Parking Requirements One 300 sq.ft. parking space
for each 300 sq.ft. of building
- E. Minimum Lot Area 40,000 sq.ft.
- F. Minimum Front Yard Setback:
 - From Centerline of Local Roads 100 ft.
 - From Centerline of Collector Roads 110 ft.
 - From Centerline of Arterials 150 ft.
 - Refer to Section 17.22 for road classifications, and other requirements.
- G. Minimum Rear Yard Setback 25 ft.
- H. Minimum Side Yard:
 - Principal Buildings 15 ft.
 - Accessory Buildings 5 ft.
- I. Width of lot at building line 100 ft.

Section 17.10 COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI)

(1) Purpose and Intent of Commercial Highway Interchange District (CHI)

The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Development Guide. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

(2) Permitted Uses

The following uses are permitted uses in this district.

- A. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 100 feet from any existing or officially proposed street line.
- B. Automobile repair shops, including shops for general mechanical repairs, and repair of tires but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles or major automobile body or engine repair.
- C. Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
- D. Establishment engaged in the daily or extended term rental or leasing for use off the premises of mobile homes, campers, or recreational vehicles.
- E. Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
- F. Restaurants, taverns lunch rooms and other eating places, including drive-in type establishments.
- G. Commercial parking lots, parking garages, parking structures.
- H. Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.
- I. Residential use only when an integral part of the commercial building.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
- B. Wholesale merchandise establishments.
- C. Warehouses.
- D. Motor carrier facilities.
- E. Travel Trailer Parks, specifically, parcels of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers or “campers” and for transient dwelling purposes only. This provision shall include by reference the definitions of “Travel Trailer Park” and “Travel Trailer” set forth in this Ordinance.

(4) Requirements for Permitted and Conditional Uses.

- A. Maximum Building Height 35 ft.
- B. Minimum Front Yard Setback 50 ft.
- C. Minimum Rear Yard Setback 50 ft.
- D. Minimum Lot Width at Building Line 100 ft.
- E. Minimum Lot Frontage on Public Road 50 ft.
- F. Minimum Lot Area 3 Acres

- G. Minimum Side Yard Setback 15 ft.
- H. Truck Unloading Area Sufficient space so that no streets or alleys need be blocked.
- I. Off-Street Parking, Public Gathering 1 space per 3 seats if applicable or 1 space per 300 sq. ft. of building.
- J. Maximum Lot Coverage Ratio of All Buildings to Lot Size: 5 (lot) to 1 (building)
- K. Site Design using the information in this Ordinance as a guideline
- L. Natural Features such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
- M. Not less than twenty (20) percent of the area of each parcel as it existed when first covered by this ordinance shall be, permanently reserved for grass, flowers shrubs, cover plants, trees, or equivalent esthetic treatment (green area) within the area between the front of the principal building and the front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
- N. Access or Frontage Roads. -- As a prerequisite to issuing a Building Permit, any area which comes under the CHI District shall have an Interior Road Network dedicated to the public which will provide adequate access for future lots to the public road system.
- O. No permits shall be granted for access points located within 1,000 feet of the most remote end of taper of any existing, or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway centerline.
- P. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile and truck traffic.
- Q. All front yard setbacks are to also refer to Section 17.22 of this Ordinance for setbacks on Federal, State and County roads.

Section 17.11 LOWLAND CONSERVANCY OVERLAY DISTRICT C-1

(1) Purpose and Intent

The purpose of the Lowland Conservancy Overlay District is to provide a means of obtaining the goals and objectives of the Development Guide. The Conservancy Overlay District (C-1) is designed to protect the public health, safety, and general welfare of the citizens of the community; private and public property from the hazards of flood water inundation or high ground water; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which are subject to flood hazard for open space uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas. This overlay district is delineated by alluvial or wet soils defined in this ordinance as follows: Ad, Aw, AzA, BmA, Br, Co, Da, E1A, EmA, EoA, Ha, Ho, KaA, LkA, Ma, Mb, Mc, Md, Me, Mf, Na, Ot, Pa, Rs, Se, Wb, and WcA.

Because this district is an overlay district, any area affected by it will also be a part of another zoning district. The boundaries of the C-1 District as well as the underlying zoning district are as shown on the Zoning Map. If there is any question as to the underlying zoning district, the Plan Commission should be consulted.

Within this overlay district only the following shall be allowed as permitted or conditional uses. Requirements for permitted and conditional uses shall be the same as for the underlying zoning district

(2) Permitted Uses

The following uses of land are permitted in this district.

- A. Agricultural uses to include crop and pasture land when conducted in accordance with the SCS standards, not including the erection of buildings or structures.
- B. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- C. Forestry and the management of forests
- D. Wildlife preserves
- E. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- F. Hunting, fishing, trapping, piers, docks, and boathouses.
- G. Public and private parks, picnic areas, and similar uses.
- H. Hiking trails and bridle paths.
- I. Preservation of areas of scenic, historic, or scientific value.
- J. Watershed conservation areas.
- K. Open storage uses such as parking areas.
- L. Uses similar and customarily incident to any of the above uses.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created. Any approved uses shall be in accordance with Soil Conservation Service standards.

- A. Dams, reservoirs, or ponds, water storage and primary facilities.
- B. Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and race tracks.
- C. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.

- D. Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines.
- E. Relocation of any watercourse.
- F. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
- G. Removal of topsoil or peat.
- H. Camping grounds open to the public.
- I. Golf courses both public and private.
- J. Hunting and fishing clubs for permitted and approved conditional uses provided that the area will not be adversely effected.
- K. Sewage disposal plants.
- L. Agricultural accessory buildings when conforming with S.C.S. Standards and guidelines.

(4) Requirements for Permitted and Conditional Uses

Maximum Building Height	35 feet
Minimum Front Yard Setback	50 feet
Minimum Rear Yard Setback	75 feet
Minimum Lot Frontage on Public Road	50 feet

No minimum Lot Area except in A-1 District where minimum is	35 acres
Minimum Lot Width at Building Line	100 feet
Minimum Side Yard Setback	15 feet.

Off-street parking, public gathering	1 space per 5 seats if applicable or
.	1 space per 200 sq. ft. of building.

All front yard setbacks are to also refer to Section 17.22 of this ordinance for setbacks on Federal, State and County roads.

Section 17.12 HIGHLAND CONSERVATION DISTRICT TWO C-2

(1) Purpose and Intent of Highland Conservation District Two (C-2)

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Development Guide. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, submarginal farm land and areas that have slopes in excess of 20%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality. This district exists as delineated on the zoning map and includes the following soil types. DuC2, DuB2, DuA, KeA, KdC2, KdB, JuA, JaB, JaA, HeA, GrD2, GrC2, GrB2, GrA, F1B, F1A, PmB, PmA, P1C2, P1B, P1A, PeC2, PeB2, PeA, OsC2, OsB, OsA, OgB, OgA, KeC2, KeB2, TrA, WaA, WaB, WaC2, WeA, WeB, WeC2, WfA, WfB2, WfC2, WnA, WnB2, WnC2, WoA, ZuA, ZuB, RnB2, RnC2, RpB, RpC2, RpD2, SaA, SaB, SaC2, SbA, SbB, SbC2, SkA, SkB, SkC2, ZuC2, PnA and PnB

(2) Permitted Uses

The following uses are permitted uses in this District:

- A. Forest and woodland crop management.
- B. Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- C. Installation of soil and water conservation structures.
- D. Parks and recreational areas; arboretums, and botanical gardens.
- E. Forest preservation, wildlife reservations, and conservation projects.
- F. Other recreation activities that do not require a structure or earth movement.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located 100 feet from the boundaries of the property involved.
- B. Horse stables, riding clubs, and fairgrounds.
- C. Private and public golf courses and country clubs.
- D. Earth movements involving site disturbing in excess of one acre not related to farming activity.
- E. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- F. One single family dwelling.
- G. Ski hills, ski trails, hunting and fishing clubs.
- H. Recreation camps.
- I. Public or private campgrounds.
- J. Animal hospitals, shelters and kennels.
- K. Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.
- L. Radio, television, and communication transmitters or relay towers and facilities.
- M. Rifle ranges, skeet shooting clubs, and other activity features.

(4) Requirements for Permitted and Conditional Uses

- A. Maximum Building Height 35 ft.

- B. Front Yard Setback
 - From Centerline of Local Roads 100 ft.
 - From Centerline of Collector Roads 110 ft.
 - From Centerline of Arterials 150 ft.
 - Minimum Rear Yard Setback 25 ft.
- C. Minimum Lot Width at Building Line 100 ft.
- D. Minimum Lot Frontage on Public Road 50 ft.
- E. Minimum Lot Area 10 Acres
- F. Minimum Side Yard Setback 15 ft.
- G. Off-Street Parking, Public Gathering 1 space per 5 seats if applicable,
1 space per 200 sq.ft. of building,
or 1 space per 5 anticipated users at maximum usage of facility.

Section 17.13 RURAL RESIDENTIAL DISTRICT R-R

(1) Purpose and Intent of R-R District

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on prime agricultural soils. No land shall be rezoned to the R-R District unless such zoning is consistent with the Development Plan. If the Development Plan does not show future residential use for the land in question, the Town Board shall first consider the advisability of changing the Development Plan before acting on the re-zoning request. The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, liquefies easily, floatation of pipes, subject to frost heave, bedrock, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon unless an intensive soils survey indicates that a system would be permitted under the Rock County Sanitary Code.

ON-SITE LIMITATIONS: Ad, Aw, AzA, BmA, Br, CaD2, CaE, Co, Da, DrD2, EdB2, EdC2, EdD2, EdE, E1A, EmA, EoA, EvD, EvE, GoD, GpB2, GpC2, GrD2, Ha, Ho, JuA, KaA, KdD, KeD2, KeE, LkA, LoD, Ma, Mb, Mc, Md, Me, Mf, Na, OoD2, Ot, Pa, Ro, RpB, RpC2, RpD2, RrE, RrF, Rs, RtD, RuE, RuF, SaD, SbC2, SoB, SoC2, SoD, SoF, TrA, Wb, WcA, W1A, W1B2, W1C2, W1D2, WhB2, WhC2, and WoA.

(2) Permitted Uses

The following uses are permitted in this District

- A. One single family dwelling. One private garage for each residential lot.
- B. Gardening, including truck gardens, nurseries, greenhouse and the keeping of small animals to include up to 10 rabbits, 10 chickens, 3 dogs, or 3 cats.
- C. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- D. Public parks, playgrounds, recreational and community center buildings and grounds.
- E. Graded schools, churches and their affiliated uses.
- F. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- G. Water-storage facilities and their accessory structures.
- H. Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit nor any accessory building may be larger in area than the living area of the residential dwelling. There shall be no more than two (2) accessory building per lot.
- I. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- J. Community living arrangement which has a maximum capacity of eight people being served by the program provided it is located at least 2,500 feet from any other such facility.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Certified survey maps and subdivision plats are to be reviewed and recommended for approval, denial, or conditional approval to the Town Board.
- B. Home occupation, when such operation is incidental to the residential use of the premises and

does not involve any external alteration that would effect a substantial change in the residential character of the building.

- C. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- D. Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
- E. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- F. Telephone, telegraph and electric transmission lines, buildings or structures.
- G. Two-family dwellings (duplexes), nursing homes and hospitals.
- H. Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- I. Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent an institutional setting.

(4) Requirements for Permitted and Conditional Uses

- A. Maximum Building Height 35 ft.
- B. Minimum Front Yard Setback
 - From Centerline of existing Local Road 100 ft.
 - From Centerline of existing Collector Road 110 ft.
 - From Centerline of Arterial 150 ft.
 - From R.O.W. if within a subdivision and not on an existing road. 50 ft.
- C. Minimum Rear Yard Setback 25 ft.
- D. Accessory Buildings Sideyard Setback 5 ft.
- E. Accessory Building Minimum Rear Yard Setback 10 ft.
- F. Minimum Lot Width at Building Line 100 ft.
- G. Minimum Lot Frontage on Public Road 70 ft.
- H. Minimum Lot Area 40,000 sq. ft.
- I. Minimum Lot Area Per Two Family Dwelling 55,000 sq. ft.
- J. Minimum Side Yard Setback 15 ft.
- K. Minimum Floor Area Per Family 1,400 sq. ft.
- L. Off-Street parking, Residential 2 spaces per family
- M. Off-Street Parking, Public Gathering 1 space per 5 seats if applicable,
or 1 space per 200 sq. ft. of building.
- N. Maximum Lot Coverage Ratio of All Buildings Not to exceed
12.5% of total lot.
- O. Two Family Dwelling Ratio Not more than one (1) -
two family dwelling per four (4) single family dwellings,
or not more than one (1) two family dwelling per four (4)
acres of land under a single ownership within the district.
- P. Maximum Accessory building Height 35 ft. or not to exceed the height
of the principal building.
- Q. All front yard setbacks are to also refer to Section 17.22 of this Ordinance for setbacks on
Federal, State and County roads.
- R. Maximum Lot Size less than 3 acres

Section 17.14 PLANNED UNIT DEVELOPMENT (P.U.D.) DISTRICT

- (1) The Planned Unit Development (PUD) is an area with a minimum contiguous acreage of 5 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and one or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include private area or lot and access to commonly owned property which is usually owned by a property owners association, or covered by easements which provide common use among property owners.
- (2) Purpose and Intent of Planning Unit Development
The P.U.D. is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.
- (3) Lot Area, Lot Width, Height, Floor Area Ratio, yard and Usable Open Space Requirements
 - A. In the P.U.D. the requirements of the respective zoning district may be relaxed at the discretion of the Plan Commission. In no case shall the maximum number of units per square foot in relation to the total development be more than 1 unit per 40,000 sq. ft.
 - B. A minimum of five (5) acres of land shall be developed as a unit.
- (4) Off-Street Parking
In the planned community development district, off-street parking facilities shall be provided in accordance with applicable zoning district regulations, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (5) Criteria For Approval
As a basis for determining the acceptability of a planned unit development application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.
 - A. Character and Intensity of Land Use. In a planned unit development, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - i. Is compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
 - ii. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - iii. Would not adversely affect the anticipated provision for school or other municipal services.
 - iv. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - B. Economic Feasibility and Impact.
The proponents of a planned unit development application shall provide evidence satisfactory to the Plan Commission of its economic feasibility, of available adequate financing and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.
 - C. Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon

determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Plan Commission.

D. Preservation and Maintenance of Open Space. In a planned community development area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.

- i. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the Town Board following approval of building site and operational plans by the Plan Commission.
- ii. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
- iii. Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.

E. Implementation Schedule.

The proponents of a planned unit development district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

(6) Procedure

The procedure for obtaining a P.U.D. shall be as required for any other conditional use under this Ordinance, except that in addition thereto, the conditional use may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

A. General Development Plan.

The applicant shall file with County Planner and the Plan Commission a general development plan which shall include the following information:

- i. A statement describing the general character of the intended development.
- ii. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour interval.
- iii. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval.
 - a. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.
 - b. The pattern of public and private streets.
 - c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
 - d. A utility feasibility study.
- iv. Appropriate statistical data on the size of the development, ratio of various land uses percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this section.
- v. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(7) Referral and Hearing.

- A. Within sixty (60) days after completion of the filing of the petition for approval of a

- preliminary proposal, the Plan Commission shall schedule the required public hearing.
- B. Approval of the conditional use and related preliminary proposal shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
- (8) Final Plan
- A specific and detailed plan for implementation of all or a part of a proposed planned unit development must be submitted within one (1) year after receiving preliminary approval from the Plan Commission. If a Final plan has not been submitted within said time, which the Plan Commission determines to be a reasonable phase of the total plan, the area shall revert back to the original zoning district without P.U.D. classification. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules.
- A. An accurate map of the area (at a scale of 1" = 100 ft) covered by the plan including the relationship to the total general development plan.
 - B. The pattern of public and private roads, driveways, walkways and parking facilities.
 - C. Detailed lot layout and subdivision plat where required.
 - D. The arrangement of building groups, other than single family residences, and their architectural character.
 - E. Sanitary sewer and water mains.
 - F. Grading plan and storm drainage system.
 - G. The location and treatment of open space areas and recreational or other special amenities.
 - H. The location and description of any areas to be dedicated to the public.
 - I. General landscape treatment.
 - J. Proof of financing capability.
 - K. Analysis of economic impact upon the community.
 - L. A development schedule indicating
 - i. the approximate date when construction of the project can be expected to begin;
 - ii. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - iii. the anticipated rate of development;
 - iv. the approximate date when the development of each of the stages will be completed;
 - v. the area and location of common open space that will be provided at each stage.
 - M. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities.
 - N. Any other plans, documents or schedules requested by the community.
- (9) Approval of The Final Plan.
- A. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Town Board that it be approved as submitted., approved with modification or disapproved.
 - B. Upon receipt of the Plan Commission's recommendation, the Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
 - C. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.
 - D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and if, in the opinion of the Committee, such change or addition

constitutes a substantial alteration of the original plan, the procedure provided above, and in this subsection shall be required.

Section 17.15 MOBILE HOME PARK DISTRICT - MHP

(1) Purpose and Intent of the MHP District

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and travel trailer camps, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

(2) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Conditional uses which may be considered are:

- A. Mobile Home parks
- B. Travel Trailer Camps

(3) Procedures and Applications

A. Approvals Required

No person shall construct, expand or operate a mobile home park or travel trailer camp within the town unless he holds a valid license issued annually by the Town Clerk.

The Town Clerk shall issue an initial license only after the following actions have taken place:

- i. The land has been zoned Mobile Home Park by the Town Board.
- ii. The applicant has followed the prescribed procedures and completed the application form and submitted it to the Town Clerk together with the required fees.
- iii. The Plan Commission has reviewed and made a recommendation on the Conditional Use Permit.
- iv. The Town Board has granted the conditional use permit and the license.

B. Fees and Expiration Date (per Wis. Statutes 66.0435).

i. Fee Schedule

- a. Final Plan review \$25.00
- b. Initial Mobile Home Park License Fee \$100.00 for each
50 spaces or fraction thereof
- c. Initial Travel Trailer Camp License Fee \$100.00 for each
50 spaces or fraction thereof
- d. Annual Mobile Home Park \$100.00 for each
50 spaces or fraction thereof
- e. Annual Travel Trailer Camp license fee \$100.00 for each
50 spaces or fraction thereof
- f. Mobile Home Park license transfer fee \$10.00

ii. Expiration.

All licenses shall expire on the 30th day of June of each year and shall be renewed annually. There shall be no prorating of fees. The Conditional Use Permit shall expire after one year unless substantial work has been started pursuant thereto.

C. Initial License Application

- i. Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a Conditional Use Permit and the initial license. Fees as provided in Section 17.15(3)B above are required prior to taking

- action on each of the approval steps listed herein.
- ii. **Preliminary Plan.** The applicant shall apply for preliminary plan approval to the Plan Commission. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one inch equals 200 feet showing two foot contours, the area, location, and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Plan Commission shall be in concept only which will enable the applicant to prepare the final Plan.
 - iii. **Final Plan**
 - a. **Requirements of Final Plan**

Upon approval by the Plan Commission of the preliminary plan, the applicant shall submit to the Committee the plan review fee as specified in Section 17.15(3)B and eight (8) copies of the general development plan which shall include:

 - i. Two (2) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - ii. A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.
 - iii. The number, location and dimensions of all mobile home or travel trailer lots.
 - iv. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
 - v. The location of automobile parking areas and service buildings, if provided.
 - vi. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
 - vii. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home or travel trailer lot.
 - b. **Public Hearing and Decision**

Upon submission of the final plan to the Plan Commission, the Committee shall set a public hearing on the final plan, shall give notice by publishing a class 1 notice according to Ch. 985 of Wis. Statutes, shall notify in writing the owners of land within 1,000 feet and the clerk of any municipality within 1,000 feet. After hearing any interested party, and any staff report, recommendation or information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:

 - i. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park or camp.
 - ii. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - iii. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public interest.
 - iv. **Approval of Town Board**

After receiving the recommendation of the Plan Commission, the Town Board shall consider the request for a Conditional Use Permit and initial license. The Town Board may hold a public hearing after publishing a class I notice. The Town Board shall decide whether or not to grant the Conditional Use Permit and initial license within 60 days of receiving the recommendation of the Plan Commission. If the Town Board authorizes the Town Clerk to issue the Conditional Use Permit and license, such permit and license shall be issued only upon payment of the

required fee.

v. Procedure after Permit Granted

Upon approval of a Conditional Use Permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per Ch. 236 Wis. Stats.) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Plan Commission and Town Board and containing a statement that the land is to be developed pursuant to the approved Conditional Use Permit. Such recording shall not be deemed to constitute a subdivision of land and lots shown on the plat shall not be able to be sold. Upon the submission of proof of such recording to the Town Clerk, the Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit shall commence within one year of the date of the license issuance or the license shall become null and void.

D. Annual License Application

The applicant shall apply to the Town Clerk each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as set forth in Section 17.15(3)B. Before any license shall be granted, the Town Board cooperating with the Building Inspector of the Town, shall make or cause to be made an inspection of the premises to be licensed in order to determine whether the requirements of this ordinance have been or will be met. No license shall be issued until such inspection has been made.

Each application for a license (both initial and annual) shall include the following information:

- i. Name and address of the applicant.
- ii. Name and address of the owner of the premises.
- iii. Name and address of the proprietor or manager of the mobile home park or travel trailer camp.
- iv. Location and legal description of the mobile home park or travel trailer camp.

E. Transfer of License

A transfer of license shall be applied for and may be approved by the Town Board in the same manner as an application for an annual license. The fee for such license transfer shall be \$10.00.

(4) Administration

- A. Building Inspector. It shall be the responsibility of the Building Inspector to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.
- B. Violations Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:
 - i. Be in writing.
 - ii. Include a statement of the violations enumerated.
 - iii. Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.
- C. Revocation of License Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.0435(2) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.
- D. Emergency Order Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Said order shall be In writing, shall be notwithstanding any other provisions of this ordinance and shall be effective immediately. Any person to whom such an

order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

- E. **Monthly Parking Fee.** There is imposed on each occupied mobile home located in the Town of Union a monthly parking fee as determined in accordance with §66.0435 of the Wisconsin Statutes. Said fee shall be paid to the Town Treasurer on or before the 10th day of the month following the month for which such fee is due.
- i. Occupants or owners of mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer.
 - ii. The licensee of a mobile home park shall collect said fees from each occupied mobile home within the park and shall remit such fees to the Town Treasurer.
 - iii. Owners of occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking fee, shall remit to the Town Clerk a cash deposit of \$25.00 to guarantee payment of such fees when due to the Town Treasurer.
 - iv. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied mobile home therein and remit such deposits to the Town Clerk.
 - v. Upon receipt of a notice from the owner or licensee that the occupied mobile home has been or is about to be removed from the Township, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking fees for which said owner is liable and to refund the balance, if any, to said owner.
- F. **Duty of License Holder**
- i. Every person, firm or corporation operating a mobile home park or travel trailer camp shall maintain a register in which there shall be registered the following information:
 - a. **For Mobile Home Parks:**
 - i. Lot designation
 - ii. occupants' name
 - iii. Description of the car and mobile home, including make and license numbers
 - iv. Date of arrival and departure
 - v. Monthly Parking Fee
 - b. **For Travel Trailer Camps:**
 - i. Name and home address of each of the parties entering and using said camp
 - ii. Description of the car and travel trailer, including make and license numbers.
 - iii. Date of arrival and departure
 - ii. Said register shall at all times be available to the Town Board or Building Inspector.
 - iii. Licensees of mobile home parks and owners of land on which are parked any occupied mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days of the arrival of such mobile home. This shall be on forms furnished by the Town Clerk in accordance with S.66.0435(3)(c)(2) of the Wisconsin Statutes.
 - iv. It shall be the full and complete responsibility of the licensee of a mobile home park to collect the monthly parking fee from each occupied mobile home therein and to remit such fees to the Town Treasurer.
 - v. The Licensee of a Mobile Home Park shall collect the cash deposits as required in Section 17.15(3)B and remit deposits to the Town Clerk.
- G. **Restrictions on Occupancy of Mobile Homes** No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

(5) General Provisions

- A. **Applicability.** Every mobile home park and every travel trailer camp built or added to after

the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance. No mobile home park shall be allowed in any district except the Mobile Home Park District. No travel trailer camp shall be allowed in any zoning district except when specified in the Conditional Use section of the zoning district. Every mobile home park or travel trailer camp shall first have an approved conditional use permit prior to being licensed.

B. Classification shall be of two types

- i. Mobile Home Park
- ii. Travel Trailer Camps

It shall be unlawful to permit a mobile home or travel trailer to be located in a park or camp unless it is placed in a designated stand in a licensed park or camp.

C. Parking of mobile homes and travel trailers

- i. Only one mobile home or travel trailer shall be placed on a lot unless otherwise approved in the final plans except that an unoccupied travel trailer may be parked behind the setback line of the owners' yard to the rear of the principal building.
- ii. Each mobile home and travel trailer lot shall abut upon a roadway within an approved park or camp.

D. Non-Residential Uses No part of any park or camp shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park or camp residents or for the management and maintenance of the park or camp, and are approved by the Town Board.

E. Signing No signs shall be permitted except the following:

- i. One non-flashing identification ground mounted sign or a wall sign stating only the name of park may be permitted provided the sign does not project into the public way.
- ii. One ground or on-premise wall sign per street frontage may be permitted for travel trailer camps in accordance with the sign requirements of Section 17.26
- iii. Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc. Signs and their installation shall comply with all other applicable codes and regulations.

(6) Standards

A. Park and Camp Size

- i. Mobile Home Parks
 - Minimum Acreage 8 acres
 - Maximum Density 5.0 units per gross land acres
- ii. Travel trailer camps
 - Minimum Acreage 6 acres
 - Maximum Density 7.0 units per gross land acre

B. Minimum Number of Lots There shall be a minimum of twenty-five (25) mobile home lots completed and ready for occupancy before first occupancy Is permitted.

C. Length of Residential Occupancy No lot shall be rented for residential use of a mobile home in any such mobile home park except for periods of thirty (30) days or more.

D. Compliance with Code Standards No mobile home shall be admitted in any mobile home court unless it can be demonstrated that it meets the requirements of American-Standards for Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems or M.H.M.A. (Mobile Homes Manufacturers Association) Mobile Home Standards for Plumbing, Heating and Electrical systems.

E. Minimum Lot Width and Setback Standards

(1). Setback Standards	Mobile Home Courts		Travel Trailers
	Mobile Home	Accessory Structures	
a) Front setback	25 ft.	25 ft.	25 ft.
b) Side setback	10 ft.	5 ft.	10 ft.
c) Rear setback	10 ft.	5 ft.	10 ft.
d) Corner street side yard	10 ft.	10 ft.	10 ft.
e) Yard abutting open areas	10 ft.	10 ft.	
f) From any public street	50 ft.	50 ft.	
g) From mobile home		5 ft.	
All yard setbacks are to also refer to this ordinance for setbacks on Federal, State, and County roads.			

2) Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary		
	Mobile Home	Travel Trailers 30 ft.
single wide	50 ft.	
double wide	60 ft.	

3) Minimum lot area		
	Mobile Home	Travel Trailers
single wide	6,000 sq.ft.	4,000 sq. ft.
double wide	7,200 sq. ft.	

- F. Parking At least two (2) off-street hard surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least 9 ft. by 20 ft.

At least one (1) off-street parking space shall be provided on or for each travel trailer lot. The size of each space must be at least 9 ft. by 20 ft.

Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.

- G. Screening There shall be provided a screening buffer strip along the boundary of the mobile home park or travel trailer camp where it abuts a residence district. Such screening shall be at least five (5) feet in width and five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.

- H. Recreation Requirements Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the park is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
- I. Tenant Storage One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 140 square feet in floor area nor to exceed fourteen (14) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home park shall be uniform in size.
- J. Fuel Supply All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.
- K. Additions and Alterations
- i. Permit Required. A permit issued by the Building Inspector shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. A permit is also required for all storage buildings. No permit is required for addition of steps, awnings, skirting, windows, or doors, as defined below.
 - ii. Size of Expansion. No addition to, a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.
 - iii. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
 - iv. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.
- L. Utilities. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.
- i. Electrical Requirements.
 - a. Each mobile home and travel trailer lot shall be connected to the park or camp electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 120-240 volts AC, 100 amperes.
 - b. Adequate lights shall be provided in mobile home parks and travel trailer camps to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.
 - ii. Sewer Service. All mobile home parks shall be served by private sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage. Travel trailer camps shall provide facilities for the disposal of sanitary wastes as set forth in the State of Wisconsin Administrative Standards.
 - iii. Water. Public water shall be provided by separate lateral at each mobile home lot. Travel trailers shall be served by the Common water system where possible. Provisions

- shall be made to supply water within fifty (50) feet of each travel trailer lot.
- iv. Fire Protection. Fire hydrants shall be located within five hundred (500) feet of any mobile home or service building.
- M. Mobile Home Stand, Patio, and Tie Downs
- i. A mobile home stand shall be continuous 4" concrete single slab or an approved alternate of the size of the mobile home which it is to support.
- ii. The mobile home stand shall be provided with six anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds. The mobile home shall be attached to the anchoring devices.
- iii. Each mobile home lot shall be provided with an outdoor living and service area. Such area should be Improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than 300 square feet with a least dimension of 15 feet.
- N. Roadways
- i. All roadways created by a mobile home court shall be hard surfaced according to standards established by the County Highway Department.
- ii. The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 40 feet.
- iii. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated and to satisfactory control of surface water and groundwater.
- iv. The names of roadways within the park shall not duplicate names of streets within Rock County.
- O. Lot Markers The limits of each mobile home and travel trailer lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Each mobile home in a mobile home park and each travel trailer lot in a travel trailer camp shall be clearly marked in a uniform manner with a number or designation for fire and police services and such numbers shall be filed with the appropriate authorities by the licensee.
- P. Fences and Hedges Fences and hedges may be permitted in a mobile home park or travel trailer camp provided they do not exceed a height of three feet in the front yard or corner side yard and six (6) feet in height in all other yards.
- Q. Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in flytight, watertight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.
- R. Service Building for Travel Trailer Camps. There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.
- i. Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 F. whenever the camp is open for business.
- ii. Plumbing and Electrical Facilities. Plumbing and electrical facilities In service buildings shall be as set forth in State of Wisconsin Administrative Standards.
- S. Every mobile home park and travel trailer camp shall be so located and maintained as to appear attractive and to be kept in a clean and sanitary manner in all respects, and all equipment shall be kept in a state of good repair.
- T. Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health, or safety of occupants of the mobile home park. The site shall not be exposed to objectionable noise, odors or other adverse influences, and no portion subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.

- U. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

Section 17.16 SPECIAL PURPOSE DISTRICT (SP)

(1) Purpose and Intent of Special Purpose Districts (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The S-P District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

(2) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

The Board may require special facilities as a condition of approval such as, but not limited to fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

- A. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- B. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- C. Airports open to the public, hangars, or accessory structures.
- D. Cemeteries when they comply with the provisions of Section 157.06 of the Statutes.
- E. Race tracks, sewerage treatment facilities.
- F. Accessory structures required by the principal use.
- G. Junkyards and automobile salvage yards.
- H. Sand and gravel operations provided that the Town Board has approved restoration plans.

(3) Requirements for Conditional Uses

- A. Minimum Lot Area 5 acres
- B. Minimum Front yard Setback
 - From Centerline of Local Road 100 feet
 - From Centerline of Collector Road 110 feet
 - From Centerline of Arterials 150 feet
- C. Minimum Side Yard Setback 20 feet
- D. Minimum Rear Yard Setback 25 feet
- E. Maximum Slope Ratio 3:1
- F. Off-street Parking 1 space per 5 seats, or
1 space per 5 anticipated uses at maximum usage of facility
- G. Abandonment Procedures - Minimum Operations

- H. Slope 3:1
Cover 5" Top Soil, fast growing grass, or other suitable vegetation.
Erosion control as needed.

Section 17.17 LIGHT INDUSTRIAL DISTRICT (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the community's Development Guide. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for industry. This district is to facilitate the establishment of light industrial areas which are consistent with the community's Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

The following soil types have severe engineering limitations because of compressibility, high water table, shrink-swell potential, low shear strength, excessive slope, low bearing capacity, are subject to liquefaction and piping, frost heave, or are high erosive potential and therefore no industrial development shall take place thereon: Ad, Aw, AzA, Br, CaD2, CaE, Co, DrD2, CaE, Co, DrD2, EdC2, EdD2, EdE, EoA, GoD, GpC2, GrD2, Ho, JuA, KdD, KeD2, KeE, LoD, Ma, Mb, Mc, Md, Me, Mf, Na, OoD2, Ot, Pa, Ro, RpC2, RpD2, RrE, RrF, Rs, RtD, RuE, RuF, SaD, Se, SoC2, SoD, SoF, TrA, WhC2, W1C2, W1D2, WoA.

(2) Permitted Uses The following uses are permitted in this district:

- A. Public or private offices or office buildings.
- B. Truck, bus, or rail terminals.
- C. Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit Issued by the Plan Commission.
- D. Public utility facilities.
- E. Police, fire and postal stations.
- F. Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
- G. Commercial bakeries, greenhouses, printing and publishing.
- H. Distributors and food locker plants.
- I. Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- J. Radio, television, and communication transmitting or relay towers and facilities.
- K. Railroad switching yards.
- L. Accessory buildings, uses, and activities customarily incidental to the permitted uses. Accessory use may include a septic tank and field system, when approved by the County Plan Commission which shall not exceed 5,000 gallons per day flow, serving an individual building or use. The provisions of Wisconsin Administrative Code NR214 shall be complied with at all times.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and approval of the Plan Commission. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Living quarters for watchman or caretaker.
- B. Farm machinery plants and machine shops.
- C. Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles, and wood.
- D. Research laboratories, and facilities.
- E. Manufacturing or processing of explosives.
- F. Terminal facilities for flammable gases or liquids.
- G. Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.
- H. Manufacture and bottling of nonalcoholic beverages.
- I. Storage and sale of machinery and equipment.
- J. Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices; instruments; jewelry, pharmaceuticals, tobacco; toiletries; and food, except cabbage, fish, and fish products, meat and meat products, and pea vining.
- K. Building contractor
- L. Commercial service facility, sewerage disposal plants, and public utilities.

(4) **Requirements for Conditional and Permitted Uses.**

Within the M-1 District the following standards shall apply:

- A. Maximum Building Height 35 feet
- B. Minimum Lot Area 40,000 sq. ft.
- C. Minimum Front Yard Setback 50 feet
(75 feet if parking is permitted in front yard)
- D. Minimum Rear Yard Setback 40 ft.
(50 feet when abutting a residential area)
- E. Minimum Side Yard Setback 20 feet
(50 feet when abutting a residential area)
- F. Minimum Average Lot Width 100 feet
- G. Minimum Parking Provided 1 space per 2 employees
- H. Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than ten feet by forty feet and having a height, clear of all obstructions, of fourteen feet, according to the following schedule:

Gross Floor Area	Number of Loading Spaces
5,000 sq. ft. to 24,000 sq. ft	1
24,000 sq. ft. to 60,000 sq. ft	2
60,000 sq. ft. to 96,000 sq. ft	3
96,000 sq. ft. to 144,000 sq. ft	4
144,000 sq. ft to 192,000 sq. ft	5
192,000 sq. ft. to 240,000 sq. ft	6
240,000 sq. ft to 294,000 sq. ft	7
294,000 sq. ft. to 348,000 sq. ft	8

For each additional 54,000 sq. ft 1 additional space

The Plan Commission may permit the required loading spaces to remain undeveloped until it decides that they are needed.

- I. Not more than forty per cent of the lot containing any use permitted in this district may be used for open storage of raw material, or any other material. Such storage, shall be effectively screened from non-industrial uses or districts by a solid wall or fence, or a planted hedge or shrubbery.
- J. All front yard setbacks are to also refer to Section 17.22 of this Ordinance for setbacks on Federal, State and County roads.

Section 17.18 Conditional Use Permits

(1) General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Building Inspector and issuance of a Conditional Use Permit by the Plan Commission. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(2) Required Information

Any land divider who requests a conditional use permit shall submit a Conditional Use Permit Application Form to the Town Building Inspector. The Conditional Use Permit Application Form is available from the Building Inspector. (Note, if the Conditional Use Permit includes an A1, A2, or A3 land division and rezoning, applicants must use and follow the instructions applying for a Land Division as described in Chapter 16, Land Division Ordinance. The Conditional Use Permit Land Division Applications for A1, A2 and A3 Parcels are heard and finally approved or denied by the Plan Commission,)

(3) Conditional Use Permit Application Form and Sketch Map

A. Conditional Use Permit Application Form

- i. The Conditional Use Permit Application requires the following form information and attachments as specified below and application fee.
- ii. The name, address and phone number of the owner of the property and that of the land divider.
- iii. The location and size of the property and the type of land division that is to be requested.
- iv. The names and addresses of all landowners within a 1000' foot radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- v. A statement of intended use.
- vi. The name, address and phone numbers of the surveyor who will be doing the survey work.
- vii. The name, address and phone numbers of the engineer who will perform the public improvements design.
- viii. The present use of the land.
- ix. The number and size of projected parcels, lots, or outlots upon a final land division.
- x. Existing zoning and other land use controls on parcels within 1000 foot radius of the outer edges of the proposed land division.
- xi. Description of parcel location including fire number and roads bordering property.
- xii. The estimated timetable for final development.
- xiii. Existing and proposed zoning of parcel and parcels to be created.
- xiv. Parcel number
- xv. Aerial photo of parcel and land within 1000 feet of its border or Global Information System Satellite Photo (if requested).
- xvi. Sketch map as specified below. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

B. Sketch Map Specifications

As part of all Conditional Use Permit Applications, the applicant shall submit to the Building Inspector a sketch map no smaller in scale than 1 inch = 200 feet or other appropriate larger

scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:

- i. A north arrow, the date, the scale, and a reference to a section corner.
- ii. Lengths and angles of existing and proposed property lines.
- iii. Location of adjacent properties within 1,000 feet.
- iv. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- v. The location and type of existing and proposed buildings, fences, and structures and their uses.
- vi. The location and name of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.
- vii. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- viii. Zoning classification and other land use controls of adjacent properties within 1,000 feet.
- ix. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- x. The location of any slopes of 12% or greater.
- xi. The setback of building lines required by any approving agency.
- xii. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.
- xiii. Any floodplain limits
- xiv. The entire area contiguous to the plat owned or controlled by the owner or land divider.
- xv. Owners names of adjacent properties within 1,000 feet.

(4) **Submittal Process**

The applicant shall submit the completed **Conditional Use Permit Application Form** to the Building Inspector for review of completeness. When the Building Inspector determines the application is complete, the applicant shall submit the application fee to the Town Treasurer. The applicant may then submit 14 copies of the Conditional Use Permit Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within 1000 ft of the property in question and post a class 2 notice of the public hearing.

The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the **Conditional Use Permit Application Form** and attachments to them. See Wisconsin State Statute §236 for a timeline for the Plan Commission to review the application.

(5) **Approval Process**

The Plan Commission shall hold a public hearing on the conditional use permit application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to approve, approve with conditions, or reject the land division. Written reasons shall be documented in the Clerk's minutes for rejection or the imposition of conditions.

The land divider or the land divider's designee shall attend the meeting and present the proposed Conditional Use Permit Application to the Plan Commission. Failure of the applicant or its designee to attend the meeting or to provide a complete Conditional Use Permit Application may be used as grounds for the Town Plan Commission to recommend denial of the conditional use permit.

The Town Clerk will issue a written conditional use permit. Note the permit may require a review and renewal period in which case the applicant will need to return to the Plan Commission for their review of how the conditional use is working and whether or not to extend the approval of the permit.

(6) Standards Applicable to All Conditional Uses

A. In evaluating a Conditional Use Permit application, the Plan Commission shall consider the following factors:

- i. The location, nature, and size of the proposed use.
- ii. The size of the site in relation to it.
- iii. The location of the site with respect to existing or future roads giving access to it.
- iv. Its compatibility with existing uses on land adjacent thereto.
- v. Its compatibility with the the future land use map and Comprehensive Plan.
- vi. Existing topography, drainage, soils types, and vegetative cover.
- vii. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

B. Standards Applicable to Conditional Uses within the A1, A2, and A3 Districts

In recommending approval of an Conditional Use Permit with land division for an A1, A2, or A3 parcel to the Town Board,, the Plan Commission shall also consider the following factors:

- i. The potential for conflict with agricultural use.
- ii. The need of the proposed use for a location in an agricultural area.
- iii. The availability of alternative locations.
- iv. Compatibility with existing or permitted uses on adjacent lands.
- v. The productivity of the lands involved.
- vi. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- vii. The need for public services created by the proposed use.
- viii. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- ix. The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

C. Standards Applicable to Conditional Uses for excess animal units in A3 areas

In accessing a Conditional Use Permit application in the A-3 District, the Plan Commission shall also consider the following factors.

- i. Support (lack of concern/complaints) from surrounding landowners.
- ii. Adequate facilities for housing and feeding animals.
- iii. Adequate manure removal/distribution plan. Signed agreements for manure management and compliance with Rock County Manure Storage Ordinance.
- iv. Favorable past animal management performance and/or managerial plan.
- v. Compatibility with existing or permitted uses of adjacent lands.
- vi. Water Retention Plan that meets or exceeds DNR guidelines for water retention plan.
- vii. The availability of alternative locations.
- viii. The need for public services created by the proposed use.
- ix. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- x. The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

(7) Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Plan Commission may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of

this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(8) Notice and Public Hearing

Before issuing a Conditional Use Permit, the Plan Commission shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin State Statutes.

(9) Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Treasurer in accordance with the Fee Schedule established by the Town Board.

Section 17.19 BUILDING PERMITS

(1) Permits Required To Comply With Zoning Ordinance

No permit pertaining to the use of land, buildings or structures shall be issued unless the application for such permit has been examined in accordance with Section 17.03(2) of this Ordinance and it has been signed, indicating that the proposed use of land, buildings, or structure complies with all the provisions of this ordinance. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

(2) Building Permits

- A. Cases where Building Permit is required.
 - i. Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
 - ii. Where any land use is substantially altered.
 - iii. Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- B. Cases where Building Permit is not required.
 - i. For any accessory building costing \$200 or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
 - ii. For any improvements or alterations to an existing building in the amount of \$200 or less which shall not effect a structural change in use or encroach upon any yard or open space.
 - iii. For any maintenance repairs that do not involve a change to the structure.

(3) Application for Building Permit

An application for a Building Permit shall be made to the Building Inspector upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- A. An accurate map of the property, in duplicate, and properly dimensioned showing:
 - i. The boundaries of the property involved.
 - ii. The location of the centerline of any abutting streets or highways.
 - iii. The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of such building.
 - iv. The high water line of any stream or lake on which the property abuts.
- B. Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in H 62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.

(4) Building Permit Fee

The applicant, upon filing the Building Permit with the Building Inspector, shall pay a fee to the Treasurer in accordance with the Building Permit Fees set by the Town Board in the Town of Union Fee Schedule.

Section 17.20 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

The following Information may be used by the Plan Commission, Town Board or Board of Adjustment prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Plan Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.

(1) Site Design and Physical Characteristics

- A. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- B. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- C. Where public sewers are not available, the percolation characteristics of the soil.
- D. Adequacy of the proposed internal circulation system, including safety consideration.
- E. Access to sites from the internal circulation system.
- F. The costs of providing various public services.
- G. Appearance --how the area will look?

(2) Site Location Relative to the Public Road Network

- A. Convenient access to a public road network --safety of access points.
- B. Visibility from the proposed road and the need for visibility.
- C. Location to provide access primarily by right-hand turning movements.

(3) Land Use

- A. Compatibility with existing or proposed uses in the area.
- B. Relation to any existing land use plan.
- C. Relation to existing or proposed development at nearby interchanges.

(4) Traffic Generation

- A. Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- B. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- C. Expected composition of site-generated traffic by vehicle types.
- D. Effect of site-generated traffic on the operation of the area.
- E. Safety and convenience to future users.

(5) Community Effect

- A. Immediate and long-range tax base.
- B. Access to market or service area.
- C. Relation to scenic or recreation values.
- D. Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- E. Compliance with the Comprehensive Plan's Goals and Objectives.

(6) Other Relevant Factors

- A. See Performance Standards in Section 17.25 of this Ordinance.
- B. Additional impacts.

Section 17.21 BOARD OF ADJUSTMENT

(1) Establishment

There is hereby established a Board of Adjustment for the Township for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

(2) Membership

The Board of Adjustment shall consist of three (3) members appointed by the Town Chairman and confirmed by the Town Board.

- A. Terms shall be for staggered three-year periods.
- B. Chairman shall be designated by the Board of Adjustment.
- C. Conflict of Interest Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- D. An Alternate Member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- E. No member shall be a Town Board member, Plan Commission member or the Building Inspector.
- F. Secretary shall be the Town Clerk.
- G. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- I. Compensation shall be as determined by the Town Board.
- J. The Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(3) Organization

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- A. Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- C. The Concurring Vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in 8.4(1), (2), (3), and (4).

(4) Powers

The Board of Adjustment shall have the following powers:

- A. Errors To hear and decide appeals where it is alleged there is error in any order, requirement or final decision made by the Plan Commission or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- B. Variances To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be

granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship. (REPLACE w/(7)c)

- C. Interpretations To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.
- D. Permits The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- E. Assistance The Board may request assistance from other town and county officials, departments, commissions, boards, the town building inspector and town engineer.
- F. Oaths The Chairman shall administer oaths and may compel the attendance of witnesses

(5) Appeals and Applications

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within one thousand (1000) feet.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 17.03(2) for a Building Permit.
- C. Additional Information required by the Town Plan Commission, Board of Adjustment, or Building Inspector.
- D. Fee Receipt from the Town Treasurer in the amount established in the Town of Union Fees Schedule.
- E. Appeals and Application for property located in an Historic District shall also require the review and recommendation of the Historic District Committee.

(6) Hearings

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 3 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector and the Town Plan Commission. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

(7) Findings

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- A. Exceptional Circumstances There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- B. Absence of Detriment That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- C. Findings of Fact The decision of the Board shall be accompanied by findings of fact and conclusions of law.

(8) Decision

The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and Town Plan Commission.

- A. Conditions may be placed upon any Building Permit ordered or authorized by the Board.
- B. Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(9) Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within sixty (60) days after the filing of the decision in the office of the Town Clerk.

Section 17.22 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

(1) Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or a locally adopted Transportation Plan.

A. Arterial Highways

- i. The setback line for Arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.
- ii. Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- iii. Minimum Road right-of-way shall be 100 feet.

B.

- (1) Collector Roads The setback for collector roads shall be 110 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 70 feet

- (3) Local Roads All local roads shall have a minimum setback of 100 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 70 feet.

- (4) Lesser Setbacks Lesser setbacks may be permitted by the Plan Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

- (5) Special Width Road Right of Ways Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and in the division of land.

(2) Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road center lines and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated on page 55 and titled "Basic Illustration of Clear Vision Triangles."

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads. The term "centerline" in this section shall be interpreted as follows:

- A. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.

- B. Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection C. below.
- C. Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the center lines of the pavements shall be used separately, in the manner illustrated on page 55, and entitled "Illustration of Designation of Centerline for Clear Vision Triangles," to designate the clear vision triangles.

The distance specified from the point of intersection of the center lines to the aforesaid points on the center lines shall be as specified in the table as follows: Classification

Triangle Side Distance

Arterial	300 ft.
Collector	200 ft
Local	150 ft.

Within the clear vision triangle, no object shall be allowed above a height of two and one-half feet above the average elevation of the streets at the aforesaid points on their respective center lines, if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to the posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

(3) Objects Permitted Within Setback lines and Vision Triangles

- A. Open fences.
- B. Telephone, telegraph and power transmissions poles, lines and portable equipment that is readily removable in its entirety.
- C. The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

(4) Access Control

The Plan Commission may require that common access be provided to any lots created by a division of land. Access points shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).

Section 17.23 NONCONFORMING USES, STRUCTURES, AND LOTS

(1) Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- A. Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this

Ordinance.

- B. Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- C. Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- D. Licenses This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

(2) **Abolishment or Replacement**

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it may be restored with the approval of the Board of Adjustment.

(3) **Existing Nonconforming Structures**

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, It may be extended, enlarged, reconstructed, moved, or structurally altered with the approval of the Board of Adjustment.

(4) **Changes and Substitutions**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Plan Commission.

(5) **Substandard Lots**

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance.

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following.

Lot	Width	Minimum 50 ft.
	Area	Minimum 7,500 sq. ft. except in shoreland areas
Yards	Street	Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
	Rear	Minimum 20 ft.
	Side	Minimum 10 percent of the frontage, but not less than 5 ft.

- B. Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

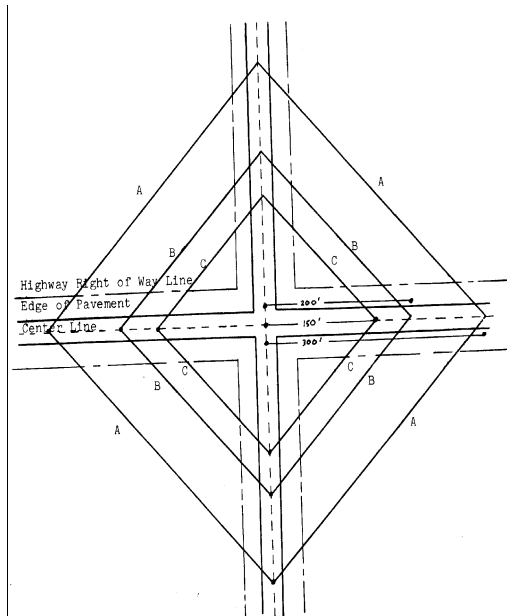


Figure 1
Basic Illustration of Clear Vision
Triangles

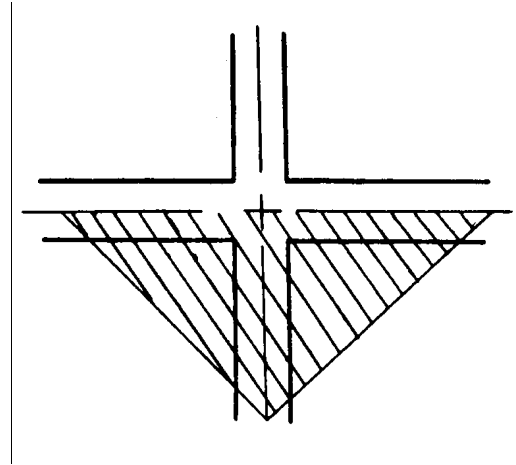


Figure 2
Undivided Pavement

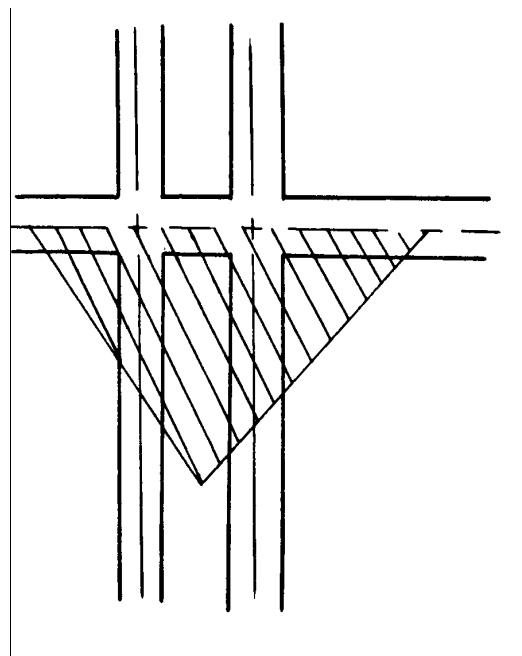


Figure 3
Divided Pavement Not Widely
Separated

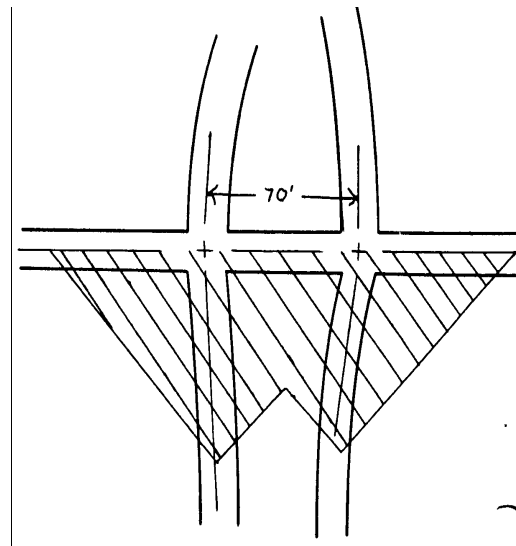


Figure 4
Divided Pavement Widely Separated

Section 17.24 CHANGES AND AMENDMENTS

(1) Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with the Comprehensive Plan and Future Land Use Map.

Such Change or Amendment shall require the review and recommendation of the Plan Commission.

(2) Initiation

A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

(3) Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Building Inspector, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(4) Recommendations

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied in writing to the Town Board.

(5) Hearings

The Town Clerk shall notify all property owners within one thousand (1000) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Plan Commission and Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

(6) Town Board's Action

Following such *hearings* and after careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

(7) Protest to Proposed Change

A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a 3/4 vote of the Town Board if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under subd. 1 and:

- A. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or
- B. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

Section 17.25 PERFORMANCE STANDARDS

(1) Compliance

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district.

No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

(2) **Air Pollution**

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

(3) **Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

(4) **Glare and Heat**

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-2 Heavy Industrial District which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(5) **Liquid or Solid Wastes**

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

(6) **Noise**

No activity shall produce a sound level outside the M-1 District boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	79
75 to 150	74
150 to 300	66
306 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds

the following:

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	72
175 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- (7) **Odors*** (*Does not apply in Agricultural Districts)
No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 154.18, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

- (8) **Radioactivity and Electrical Disturbances**
No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

- (9) **Vibration**
No activity in any district except the M-2 Heavy Industrial District shall emit vibrations which are discernible without instruments outside its premises. No activity in an M-2 Heavy Industrial District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

- (10) **Water Quality Protection**
No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run, off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or

contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

Section 17.26 SIGNS

(1) Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Section 17.26(2), and without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter HY 19 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

(2) Signs Permitted in All Districts Without a Zoning Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations.

- A. Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length
- B. Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.
- C. Real Estate Signs not to exceed sixteen (16) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. Name, Occupation, and Warning Signs not to exceed two (2) Square feet in display area located on the premises, and not closer than fifty (50) feet between signs.
- E. Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- F. Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- G. Official Signs such as traffic control, parking restrictions, information, and notices.
- H. Signs for political candidates which shall not be larger than sixteen (16) square feet provided that they are put up no earlier than 30 days before the election and removed within 5 days after the election.
- I. Temporary Signs or banners when authorized by the Plan Commission.

(3) Signs Permitted in All Business and Industrial Districts

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

- A. Wall Signs placed against the exterior wall of a building will not extend more than twelve (12) inches from the wall, and will not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10), feet from all lot lines; shall not extend above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- C. On-Premise Ground Signs in the CHI District shall be limited to one sign for each individual business premises and advertise the business name, services offered, or products sold on the premises, shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises, and shall have a maximum height of 30 feet.
- D. On-Premise Ground Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.
- E. Two of the above signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.
- F. Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- G. Off-Premise Ground Signs shall require a conditional use permit from the Plan Commission. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1,000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within 500 feet of a residential district.

(4) Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

(5) Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 17.23 shall apply.

(6) Bonds

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in the sum to be fixed by the Building Inspector, but not to exceed Twenty-five Thousand Dollars (\$25,000); and it shall be of a form and type approved by the Town Attorney; indemnifying

the municipality against all loss, cost damages or expense. incurred or sustained by or recovered against the municipality by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond.

(7) **Moveable or Temporary Signs**

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bonafide business purpose other than advertising is excepted from the above prohibition.

(8) **Lighting of Signs**

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance.

(9) **Roof-mounted Signs**

Signs erected on the roof of a building shall be prohibited by this ordinance.

(10) **Areas of Special Control**

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

- A. Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.
- B. Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

(11) **Permit Fees**

Fees for sign permits must be paid according to the Town of Union Fee Schedule.

Section 17.27 EFFECTIVE DATE

This Ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under §60.80 Wis. Stats.

Adopted this _____ day of _____, 20__.

[Signature of Town Chairman]

Kendall Schneider
Town Board Chairman

Date

Posted this _____ day of _____, 20__.

Attest: [Signature of town clerk]

Linda O'Leary
Town Board Clerk

Date